

**CITY OF SHELLEY
PLANNING AND ZONING MEETING
MINUTES**

July 16, 2014

PRESENT: P&Z Chairman: Leif Watson
P&Z Members: Eric Scarr, Kathy Curnutt and Larry Bateman
Dep. City Clerk: Beth Williams

The meeting was called to order at 8:03 p.m. Clayton was absent.

The Public Hearing for Blake Johnson opened at 8:05 pm. Blake Johnson and his son-in-law, Treavor Goodenough, 379 N. Park Ave., applied for a Rezone from Single Family Residence (R1) to Multiple Family Residence (RM) on the land behind Blake's house. They also applied for a Special Use Permit contingent upon the Rezone. There were about two-and-a-half acres on which they wanted to put storage units. To do that, they needed a Rezone from R1 to RM, which would allow storage units with a Special Use Permit. They had in mind to do outdoor storage for rv's until the units could be constructed. Blake owned the property for twenty years and Treavor would possibly purchase it later. Ron Lundquist worried about the RM zone allowing apartments in the future. Treavor did not know what would happen if the land was sold down the road. What they planned were one hundred outdoor storage spaces for rv's; then, in three-to-five years, to build the storage units.

Sharon Jones, 145 E. Oak St., did not want the zone change. She knew Blake asked to have the road vacated. Treavor told her that Blake had the right to use the land as he wanted. Sharon said she had no problem with Blake using the twenty-five foot right-of-way along her property for personal or family use a couple of times a day, but she had a problem with rv's coming and going at all hours. She also worried that the right-of-way between her land and Jon Cox's was not in the right location at that time.

Treavor said they would survey, there would be a gate, and open during daylight hours only. There would be no lights on the property. Sharon said RM concerned a lot of people; the first attempt years ago to zone it RM was to put the Cedar Apartments there, but they were moved to their present location after abandoning the project at the land Blake owned. Sharon had a bigger issue with rv's than apartments. Treavor said there would be lower traffic with storage.

Blake said he tried five times to do something with the lot and did not know why he kept getting shot down. He said Lou Jensen on the Planning and Zoning had advised the City Council to not abandon the street that was vacated. Gay Stumbo, 139 W. Oak St., had a list of the minutes for those meetings. Leif called for a recess at 8:33 pm so Beth could locate those minutes. Leif called the

meeting back to order at 8:48 pm. He read the minutes from June 25, 1996, and September 11, 1996, regarding Blake's request for the vacation and the Council's decision. Copies of the county plat were shown.

Leif asked for uncommitted testimony; there was none.

Leif asked for testimony from those opposed. Tracey Barnes, 321 N. Park Ave., said her concern was a business, not a personal, thing. She was opposed to a business being in the middle of housing. She said if Johnsons sold the property, the use would be out of Blake's control.

Ron Barnes, 321 N. Park Ave., opposed. He said he had heartburn with the RM zone. If the storage units went away, the zoning would still be in effect.

Jon Cox, 171 E. Oak St., was opposed. His primary objection was the zone change, but he understood they had to go that route to get the storage units. He did not want business in there causing more traffic.

Teresa Cox, 171 E. Oak St., was opposed. She said the road would have to be widened, curbed, and guttered. The last attempt was for the owners to foot the costs. Single Family Residence was the most appropriate for the area. And people who tried to break into the storage units would turn their attention to the surrounding properties if they could not access the storage area.

Gay Stumbo, 139 W. Oak St., reread the minutes of June 25, 1996. She wanted homes there. The access was an easement road only. She already had trouble getting into the easement when the park was busy. It would add noise, traffic, and lack of privacy. She was also concerned with what would happen if the property sold. She turned in a petition of opposition with eighteen signatures on it.

Blake Johnson objected to the petition and to what Mrs. Stumbo had told the neighbors. Mr. Barnes said Mrs. Stumbo only told him what the City notification letter had told him. Linda Johnson said that road was vacated shortly after her son died and they were coerced into vacating Mallard Avenue. She went by the park a lot and never saw the traffic everyone talked about. She said Steve Cederberg had storage units in the middle of residences. She said that homes all over Shelley had weeds and messes in their yards. She said it was their property and there were no guarantees. She tried to take care of her properties.

Leif allowed the rebuttal from the Johnsons. Treavor said the storage area would be fenced, gravel would be laid, and it would be well-maintained. They planned to keep it that way.

Leif asked for written testimony. Beth said Gay Stumbo had written a letter in opposition, but prior to the meeting Gay withdrew it because she had prepared to speak instead.

Sharon Jones said Mallard Ave. was vacant and the City never mowed it when it was just a field behind Blake's parents' home. She mentioned Kelley Acres and Eric cleared up the difference between the two areas. She asked the P & Z Committee to be consistent in all their decisions.

Leif called for testimony in favor of the applications. Monty Waters, 401 N. Park Ave., understood everyone's concern, but if Blake said he would have storage units, he would trust Blake at his word.

Ron Lundquist, 328 N. Park Ave., said storage units would be the least offensive improvement for that property; it was the minimum amount for the Johnsons to ask. They were cleaner, nicer, and quieter, so Ron had no objection.

The Public Hearing was closed for deliberation at 9:49. Deliberations included discussion on road easement, easement size, the grade of the property for water drainage, water rights, ditch location and use, lights on the property outside and inside the buildings if any were indoor units, electrical access, insurance, and who would pay for the road into them.

Kathy made a motion to recommend to the City Council to approve the change from Single Family Dwelling to Multiple Family Dwelling. Leif seconded the motion. Larry voted no; it didn't follow the criteria for a zone change, they weren't sure of all the legalities in place-that they weren't sure it would work out even if they did day yes. He didn't want to say yes to something that would hit a brick wall with the whole neighborhood; he could not in good conscience vote yes. Kathy voted yes; he should do what he wants on his own property. She was not in favor of more apartments in town as there were too many, so she was torn on the decision. She thought there needed to be more groundwork done. Eric voted no; to make a zone change of that nature in that particular place did not-from the zoning standpoint- meet the requirements to make that change. Leif voted no; the changes required to make it what it needed to be went further than their council because of the nature of that piece of property and what had gone on with it before. He said the City Council still had the option to make the final decision. The vote was three against the Rezone recommendation and one in favor; one absent.

Larry made a motion to approve Johnson's Special Use Permit to allow storage units in a Multiple Residence Zone contingent upon the Council approving a Rezone for their property. Kathy seconded the motion. Larry voted yes; Kathy voted yes; Eric voted no; Leif voted yes. The motion was approved with three in favor and one opposed; one absent.

Marcia Buffett, 152 S. State St., was asked to appear to report on her Special Use Permit. She did not appear, but wrote a letter to the Commission. They wanted to see her, so they asked Beth to invite her to the next meeting on August 20, 2014.

Eric moved to approve the minutes for June 18, 2014, with one change. Kathy seconded the motion.

They were unanimously approved with one typographical change; one absent.

The meeting was adjourned at 10:25 p.m.

ATTEST: *M. Williams* APPROVE: *[Signature]*